

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln No.: 10/800,150

Confirmation No. 6794

Filed: March 13, 2004

Applicants: Thomas J. DANLEY et al.

Title: SOUND REPRODUCING
APPARATUS AND METHOD
FOR OPTIMIZING SAME

Art Unit: 2837

Examiner: Not yet assigned

Attorney Docket No.: 6954/82543

Customer No.: 22242

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

10/27/2004

Date Edward E. Clair
Registration No. 51,565
Attorney for Applicant(s)

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

In response to the Office Action mailed September 27, 2004, we re-submit the Preliminary Amendment dated July 30, 2004 to supply the corrected section which complies with 37 CFR § 1.21. The Preliminary Amendment now includes a section entitled "Amendments to the Drawings" and includes attached "Replacement Sheets" of drawings and "Annotated Sheets" of drawings.

Application No. 10/800,150

Response to Notice of Non-Compliant Amendment dated October 27, 2004

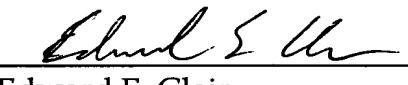
Reply to Office Action of September 27, 2004

We respectfully request that the Preliminary Amendment be entered and that the proposed amendments be considered when the application is examined on the merits.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Date: October 27, 2004


Edward E. Clair
Registration No. 51,565

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Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment/reply in the above-identified application.

- A Response to Notice of Non-Compliant Amendment is enclosed.
- A Preliminary Amendment is enclosed.
- An Appendix including Replacement Sheets and Annotated Sheets of drawings is enclosed.
- No additional fee is required.

Fee Calculation For Claims As Amended

	As Amended	Previously Paid For	Present Extra	Rate	Additional Fee
Independent Claims	<u>5</u>	<u>5</u>	** = <u>0</u>	x \$ 88.00	= \$ 0.00
Total Claims	<u>15</u>	<u>20</u>	* = <u>0</u>	x \$ 18.00	= \$ 0.00
Fee for Multiply Dependent Claims				\$ 300.00	\$ 0.00
** At least 3				Total Additional Fee	\$ 0.00
* At least 20					

Application No. 10/800,150
Preliminary Amendment dated October 27, 2004
Reply to Office Action of September 27, 2004

- Applicant(s) assert entitlement to Small Entity Status (37 C.F.R. § 1.27), thus reducing the fee by half to: \$ 0.00
- A check in the amount of \$ _____ is enclosed.
- Charge \$ _____ to Deposit Account No. 06-1135.
- The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§ 1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. A duplicate copy of this sheet is enclosed.

October 27, 2004

Date



Edward E. Clair
Registration No. 51,565

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